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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,663	04/05/2000	Roland Lamer	15-IS-5288(70191/235)	7305

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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,663

Applicant(s)

LAMER ET AL.

Examiner

Vanel Frenel

Art Unit

3626



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 10, 11 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 10, 11 and 22-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/08/04 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed 6/18/04. Claims 1, 7 and 22 have been amended. Claims 1-3, 5-8, 10-11 and 22-31 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3626

4. Claims 1-3, 5-8, 10-11 and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al (6,260,021) in view of Brown (US 2003/0229514).

(A) As per claim 1, Wong discloses a data management system for patient data, comprising:

a first component having a functionality code segment and a user interface code segment (Col.8, lines 65-67 to Col.9, line 21);

a second component having a functionality code segment and a user interface code segment (Col.8, lines 65-67 to Col.9, line 21);

and a container application having a first user interface layer in communication with the first component and a second user interface layer in communication with the second component (Col.6, lines 1-55).

Wong does not explicitly disclose wherein the first and second user interface layers are configured to convert the first user interface code segment of the first component and the second user interface code segment of the second component to a uniform user interface and to communicate patient data between the functionality code segments of the first and second components, respectively, and the uniform user interface such that the patient data of the functionality code segments of the first and second components are formatted with the same look and feel.

However, this feature is known in the art, as evidenced by Brown. In particular, Brown teaches the first and second user interface layers are configured to convert the first user interface code segment of the first component and the second user interface code segment of the second component to a uniform user interface and to communicate

Art Unit: 3626

patient data between the functionality code segments of the first and second components, respectively, and the uniform user interface such that the patient data of the functionality code segments of the first and second components are formatted with the same look and feel (See Brown, Page 4, Paragraph 0005).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature Brown within the system of Wong with the motivation of providing the user interface which includes a display for displaying the query sets and the user input buttons for entering the responses to the query sets (See Brown, Page 3, Paragraph 0003).

(B) As per claim 2, Wong discloses the data management system wherein the functionality code segment of the first component is configured to store and retrieve patient image data (Col.10, lines 13-27).

(C) As per claim 3, Wong discloses the data management system wherein the functionality code segment of the second component is configured to store and retrieve patient text data (Col.1, lines 52-59).

(D) As per claim 5, Wong discloses the data management system, the container further comprising a first service layer in communication with the first component and a second service layer in communication with the second component, wherein the first and second service layers are configured to communicate data between the

Art Unit: 3626

functionality code segments of the first and second components and a service (Col.12, lines 65-67 to Col.13, line 59).

(E) As per claim 6, Brown discloses the data management system wherein the service includes a telecommunication service (See Brown, Page 3, Paragraph 0003).

(F) As per claim 7, Wong discloses a data management system for patient data, comprising: a first application for retrieving patient image data from a database and having a first user interface (Col.10, lines 13-47);

a second application for processing patient text data and having a second user interface (Col.7, lines 1-58); and

Wong does not explicitly disclose a data manager in communication with the first and second applications, wherein the data manager includes a user interface code segment in communication with the first and second applications for converting the first user interface and the second user interface to a uniform user interface and for receiving the patient image data and patient text data for generating display signals based on the patient image data and the patient text data according to a predetermined display format, wherein the predetermined display format has a common look and feel for the patient image data and the patient text data.

However, this feature is known in the art, as evidenced by Brown. In particular, Brown teaches a data manager in communication with the first and second applications, wherein the data manager includes a user interface code segment in communication

Art Unit: 3626

with the first and second applications for converting the first user interface and the second user interface to a uniform user interface and for receiving the patient image data and patient text data for generating display signals based on the patient image data and the patient text data according to a predetermined display format, wherein the predetermined display format has a common look and feel for the patient image data and the patient text data (See Brown, Page 4, Paragraph 0005).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature Brown within the system of Wong with the motivation of providing the user interface which includes a display for displaying the query sets and the user input buttons for entering the responses to the query sets (See Brown, Page 3, Paragraph 0003).

(G) As per claim 8, Wong discloses the data management system further comprising a display unit configured to receive the display signals and provide a display based on the display signals (Col.7, lines 29-37).

(H) As per claim 10, Wong discloses the data management system further comprising a third application configured to process data, the user interface code a segment in communication with the third application and configured to receive the data and to generate display signals based on the data (Col.13, lines 2-44).

Art Unit: 3626

(I) As per claim 11, Wong discloses the data management system wherein the third application is in communication with the internet (Col.8, lines 53-67 to Col.9, line 21).

(J) As per claim 22, Wong discloses a method of displaying patient data from a plurality of applications, comprising: receiving patient image data using a first application having a first user interface (Col.11, lines 4-48); receiving patient text data using a second application having a second user interface (Col.7, lines 1-58); converting the first user interface and the second user interface to a uniform user interface (See, Wong, Col.12, lines 6-62).

Wong does not explicitly disclose configuring both the patient image data and patient text data according to a predetermined display format; and displaying the configured patient image data and patient text data according to the display format such that the patient image data and the patient text data have the same look and feel.

However, this feature is known in the art, as evidenced by Brown. In particular, Brown suggests configuring both the patient image data and patient text data according to a predetermined display format; and displaying the configured patient image data and patient text data according to the display format such that the patient image data and the patient text data have the same look and feel (See Brown, Page 4, Paragraph 0005).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature Brown within the system of Wong with the motivation of providing the user interface which includes a display for displaying

Art Unit: 3626

the query sets and the user input buttons for entering the responses to the query sets (See Brown, Page 3, Paragraph 0003).

(K) As per claim 23, Wong discloses the method further comprising receiving the patient image data from a PACS database (Col.1, lines 21-38).

(L) As per claim 24, Brown discloses the method wherein the predetermined display format includes a display format for an icon (See Brown, Page 10).

(M) As per claim 25, Brown discloses the method wherein the predetermined display format includes a display format for a menu (See Brown, Page 6).

(N) As per claim 26, Wong discloses the method further comprising communicating the patient image data through a user interface layer (Col.1, lines 65-67 to Col.2, line 37).

(O) As per claim 27, Wong discloses the method further comprising providing patient image data to one of the internet and an intranet (Col.6, lines 44-55).

(P) As per claim 28, Wong discloses the data management system further comprising a third component having a functionality code segment and a third user interface code segment, wherein the container application is configured to communicate

Art Unit: 3626

patient between the functionality code segments of the first, second and third components, respectively, and the uniform user interface (Col.8, lines 15-67).

(Q) As per claim 29, Wong discloses the data management system wherein the functionality code segment of the third component is configured to communicate with the Internet (Col.6, lines 44-55).

(R) As per claim 30, Wong discloses the data management system wherein the service communications with the first and second service layers via a predetermined protocol (Col.8, lines 31-67).

(S) As per claim 31, Wong discloses the data management system wherein the predetermined protocol includes componentware (Col.8, lines 53-67).

Response to Arguments

5. Applicant's arguments filed on 6/18/04 with respect to claims 1-3, 5-8, 10-11 and 22-31 have been fully considered but they are not persuasive.

Applicant's arguments filed 6/18/04 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 6/18/04.

(A) At pages 6-11 of the 6/18/04 response, Applicant argues that the features in the 6/18/04 amendment are not taught by or suggested by the applied references.

Art Unit: 3626

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 6/18/04 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Wong and/or Brown, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches medical diagnostic report forming apparatus capable of attaching image data on report (5,581,460) and image data management system particularly for use in a hospital (5,586,262) and system and method for managing patient medical records (5,772,585).

Art Unit: 3626


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F
V.F

July 24, 2004


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
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3626